

Congress of the United States
Washington, DC 20515

April 15, 2020

The Honorable Alex Azar
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue S.W.
Washington, D.C. 20201

The Honorable Chad Wolf
Acting Secretary
U.S. Department of Homeland Security
301 7th Street S.W.
Washington, D.C. 20528

Dear Secretary Azar and Acting Secretary Wolf:

As the COVID-19 pandemic continues to rapidly spread across the country, we are writing to strongly urge the Departments of Health & Human Services and Homeland Security to fully comply with the recent order from the U.S. District Judge, Dolly M. Gee.¹ On March 28, 2020, Judge Gee directed the Office of Refugee Resettlement (“ORR”) and Immigration and Customs Enforcement (“ICE”) to “make every effort to promptly and safely release” migrant children detained in detention centers and to “implement the practices recommended by the United States Centers for Disease Control and Prevention (“CDC”) to avoid the spread of infection” with a deadline of April 6, 2020 to respond to its actions. Additionally, U.S. District Judge James E. Boasberg expanded the order to apply to the parents of the children who are also detained.²

Medical experts fear the exceptionally rapid transmission of COVID-19 in detention facilities, where medical resources such as physicians, testing kits, and protective equipment are constrained; people are unable to practice social distancing; shared facilities are not frequently or properly sanitized; soap and hand sanitizer are not provided or easily accessible to detainees; quarantine or isolation units are scarce; and there are frequent opportunities for an infected person to enter or leave the facility.

For unaccompanied children in detention, who are already more likely to have mental health concerns or may be separated from their family members, the trauma of undergoing solitary quarantine for the virus or simply not receiving adequate information about the potential for infection is likely to exacerbate existing mental health concerns.


According to the most recent data provided by ICE, about 3,359 children are detained in ICE family detention facilities, including more than half - 1,861 - who have been detained for three months or longer. These individuals are not serving time for a crime. Instead, they are waiting

¹ Jenny L. Flores, et al. v. William P. Barr, et al., No. CV 85-4544-DMG (AGRx) 2020 U.S. Dist. at 34485-34499 (D. Cal. Mar. 28, 2020).

² https://www.washingtonpost.com/opinions/detained-migrant-children-are-sitting-ducks-accelerate-their-release/2020/04/02/b58d8232-738a-11ea-a9bd-9f8b593300d0_story.html

for a hearing to determine whether they can legally remain in the country under civil proceedings. Already, four detained children tested positive as have staff members at shelters for unaccompanied children.³ Amongst adult immigrants in ICE custody, there have been at least 77 confirmed cases nationwide.⁴ Failing to promptly release these minors from these dangerous conditions increases the risk of transmission of COVID-19, with potentially fatal consequences not only for detained immigrants, but also for ICE officers, detention staff, and the general public.

Sincerely,



Raúl M. Grijalva
Member of Congress

/s Nanette Diaz Barragán
Member of Congress

/s Karen Bass
Member of Congress

/s Tony Cárdenas
Member of Congress

/s Judy Chu
Member of Congress

/s David N. Cicilline
Member of Congress

/s Gerald E. Connolly
Member of Congress

/s Diana DeGette
Member of Congress

/s Debbie Dingell
Member of Congress

/s Bill Foster
Member of Congress

/s Alan Lowenthal
Member of Congress

/s Joseph P. Kennedy, III
Member of Congress

/s Daniel T. Kildee
Member of Congress

/s James P. McGovern
Member of Congress

/s Debbie Mucarsel-Powell
Member of Congress

/s Mark Pocan
Member of Congress

/s Grace F. Napolitano
Member of Congress

/s Albio Sires
Member of Congress

/s Bennie G. Thompson
Member of Congress

/s Rashida Tlaib
Member of Congress

³ <https://www.nytimes.com/2020/03/29/us/coronavirus-migrant-children-detention-flores.html>

⁴ <https://www.ice.gov/coronavirus> (last accessed April 14, 2020)

/s Jesús G. “Chuy” García
Member of Congress

/s Sylvia R. Garcia
Member of Congress

/s Jahana Hayes
Member of Congress

/s Eleanor Holmes Norton
Member of Congress

/s Sheila Jackson Lee
Member of Congress

/s Henry C. “Hank” Johnson, Jr.
Member of Congress

/s Juan Vargas
Member of Congress

/s Nydia M. Velázquez
Member of Congress

/s Debbie Wasserman Schultz
Member of Congress

/s Bonnie Watson Coleman
Member of Congress

/s Peter Welch
Member of Congress